



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
(A-18J)

MAY 18 2004

Janet McCabe, Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Dear Ms. McCabe:

The purpose of this letter is to provide comments on Title V operating permit No. 089-7994, which the Indiana Department of Environmental Management (IDEM) proposes to issue to Cargill, Inc. This permit has been proposed with language that could preclude the use of credible evidence for demonstrating compliance with or violation of the permit terms if the evidence was obtained through testing and monitoring methods other than those specified in the permit.

In accordance with the credible evidence rule (62 Fed. Reg. 8314, Feb 24, 1997); Section 113(a) of the Clean Air Act, 42 U.S.C. §7413(a); and a July 28, 1998, letter from Stephen Rothblatt, Acting Director, Air and Radiation Division, U.S. Environmental Protection Agency (USEPA), to Paul Dubenetzky, Chief, Office of Air Management Branch, IDEM, all Title V permits must allow for the use of "any information available" in an enforcement action.

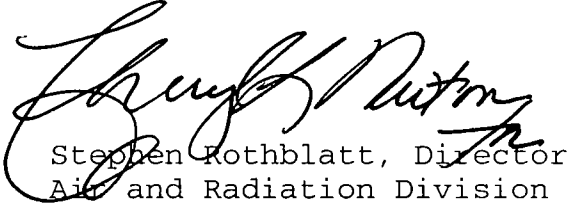
Please be aware that USEPA will object to this permit (and any other permit containing similar language precluding the use of credible evidence) unless IDEM modifies the permit to address the use of credible evidence. IDEM must either add general boilerplate language to all the Title V permits, such as;

"Notwithstanding the conditions of this permit that state specific methods that may be used to demonstrate compliance with, or a violation of, applicable requirements, any person (including the Permittee) may also use other credible evidence to demonstrate compliance with, or violation of, any term or condition of this permit.", or:

remove or revise all language that may impede the use of credible evidence, such as "compliance shall be determined by....".

We realize that IDEM is currently devoting considerable resources to complete the issuance of remaining initial Title V permits and we are very supportive of your efforts. We look forward to working with you to find a way to resolve this issue as expeditiously as possible. If you have any questions please contact me or Ethan Chatfield, of my staff, at (312) 886-5112.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Rothblatt". The signature is fluid and cursive, with a large initial "S" and a stylized "R".

Stephen Rothblatt, Director
Air and Radiation Division